

**TOWN OF HARWICH**



*BOARD OF HEALTH*  
732 Main Street Harwich, MA 02645  
508-430-7509 – Fax 508-430-7531  
E-mail: [health@town.harwich.ma.us](mailto:health@town.harwich.ma.us)

**Town of Harwich Board of Health**  
**Tuesday, January 10, 2017**  
**6:30 PM**  
**TOWN HALL – SMALL HEARING ROOM**  
**MINUTES**

**BOARD OF HEALTH MEMBERS PRESENT:** Chairman Dr. Robert Insley, Members Frank Boyle & Cynthia Bayerl

**BOARD OF HEALTH MEMBERS ABSENT:** Vice Chairman Pamela Howell, R.N.

**STAFF MEMBERS PRESENT:** Health Director Paula Champagne & Executive Administrative Assistant Jennifer Clarke

**OTHERS PRESENT:** Jeff & Stacey Jones, Julie Hutcheson, Keith Fernandes, Michael Parker, Kevin Gill, Maureen Cox, Margaret Devaney, Chuck Curtis, Arlene Wilson, David Reid Esq., Rick Judd & others

**I REORGANIZATION OF THE BOARD**

Motion made by Mr. Boyle and seconded by Ms. Bayerl to continue this until the February 13, 2017 Board of Health meeting. 3-0-0 Unanimous.

**II CALL TO ORDER**

At 6:31 p.m., Chairman Insley called the meeting to order.

**III MINUTES OF PREVIOUS MEETING (Regular Meeting Minutes) – 12/13/2016**

Motion made by Ms. Bayerl and seconded by Mr. Boyle to accept the regular meeting minutes of the December 13, 2016 Board of Health meeting. 3-0-0 Unanimous.

**IV 6:30-7:00 PM - BOARD OF HEALTH WORK SESSION**

None discussed.

**V 7:00- OLD/UNFINISHED BUSINESS**

None discussed

**VI NEW BUSINESS**

**A. Hearing-Estate of Lois H. Allen, 5 Sea Street**, to consider a variance request to install a new Title 5 septic system prepared by J.M. O'Reilly & Associates Inc.

Variance from Harwich Board of Health Regulation

1. Per Harwich Board of Health Regulation 1.210 Distance Requirements: To allow a soil absorption system to be 16' from a coastal dune where 100' is required. Variance request of 84'.

2. Per Harwich Board of Health Regulation 1.210 Distance Requirements: To allow a septic tank to be 46' from a coastal dune where 50' is required. Variance request of 4'.

Chairman Insley opened the hearing. Keith Fernandes from VHB Associates and Michael Parker from Rackemann, Sawyer & Brewster were present. The Board of Health had denied the application in December 2015 on the basis that the application should not have been submitted due to the Board of Health Policy. Health Director Champagne stated that a decision has been received from the court. Chairman Insley closed the hearing.

Based on Town Counsel's recommendation, Health Director Champagne recommended that the Board accept the variance application and then deny the application based on the grounds that it is incomplete in accordance with the Board of Health policy adopted in 1988 states that "any parcel which request compliance with the Wetlands Protection Act and/or Town of Harwich Wetlands Protection Bylaw must obtain Conservation Commission approval before a hearing of the Board of Health". She noted that this is not a denial of the merits of the application, but denial due to procedure.

Ms. Bayerl moved to accept the application for the Estate of Lois H. Allen, 5 Sea Street. Mr. Boyle seconded the motion. 3-0-0 Unanimous.

Mr. Boyle moved to deny the application for the Estate of Lois H. Allen, 5 Sea Street due to it being incomplete. Ms. Bayerl seconded the motion. 3-0-0.

**B. Hearing- Talin Family Irrevocable Trust, 30 Ayer Lane**, to consider a variance request to install a new soil absorption system prepared by Moran Engineering Associates, LLC.

Variations from 310 CMR 15.211(1) Minimum Setbacks

1. Per 310 CMR 15.405(1)(a): To allow a proposed soil absorption system to be 5.6' from the slab foundation where 10' is required. Variance request of 4.4'.

2. Per 310 CMR 15.405(1)(a): To allow a proposed soil absorption system to be 17.9' from the cellar wall where 20' is required. Variance request of 2.1'.

Chairman Insley opened the hearing. Richard Judd from Moran Engineering Associates, LLC was present. He stated that the dwelling is currently serviced by a modified overflow cesspool system. The applicant is requesting setback variances which Mr. Judd reviewed. The design flow has been split with 50% in the backyard and 50% parallel to Satucket Road. Chairman Insley closed the hearing.

Health Director Champagne recommended approval of the project with the following conditions:

1. The dwelling shall be restricted to a total of 4 bedrooms per the plan dated December 19, 2016 prepared by Moran Engineering Associates, LLC. No increase in number of bedrooms, flow or square footage.
2. Record deed restriction as "margin referenced" and return a copy to the Health Department.

Mr. Boyle moved to accept the recommendation of the Health Director to approve the variance request. Ms. Bayerl seconded the motion. 3-0-0 Unanimous.

**VII REPORT OF THE HEALTH DIRECTOR (December)**

• **Projects-**

- 2017 License Renewal- Dominant office project for December. With an additional 85+ applications returned we have reviewed and processed over 150 thus far for 2017, well over 1/3 of our total. Our attempts to integrate the licensing module of Accela for 2017 have been a dismal and frustrating. It is fraught with bugs and glitches without a system wide solution. Our consultant is readily available for fixing each glitch however, it is item specific and not program specific. Efficiency and streamlining are not associated with this program at all and we are carefully /considering our options and continued commitment to this module. It has clearly become a time sink and increased our task time easily several hundred percent per permit.

- FY 2018 Budget- Initial budget review between Health Director and budget team. Regarding the advertising budget – Town Administrator will move this amount into the general legal ads budget and recognize initiation of BOH work project. \$3000 request for additional inspection services reduced to \$1000
- Tobacco 21- Health Director has researched and received current model regulations. Unfortunately due to extended illness and holiday breaks, this subject did not advance to first review stage for BOH. Anticipate completion of draft for Feb mtg.
- 5 Sea St- The courts have returned an opinion in favor of the Walsh Bros contesting of the local BOH policy requiring an applicant to complete review with Cons Com prior to BOH hearings. Consequently, the applicant has filed plans again for variance approval. Please read the court opinion repeatedly and carefully as the decision seems to center on a matter of semantics rather than process.
- Building Commissioner Vacancy- Health Director is part of the interview team with TA & ATA interviewing applicants
- Stable-new barn/application orientation for Kline, Oak Street
- Community Development Project Review- the team met with committee members from Fire St #2 revamp to discuss conceptual project
- Resilient Family Farms- 35 Chatham Rd- we are beginning to receive copies of many letters and complaints from neighbors regarding the establishment of this farm in a residential zone. The project is still within jurisdiction of Cons Com and various state/federal agencies in an attempt to process a farm plan to obtain the necessary agricultural exemptions to allow this use. We are actively participating in the research and learning phase as once farm status is obtained there are numerous BOH concerns to be addressed- processing/ wholesaling/ composting/ best management practices etc.
- RET's/ Sewage permit review – outstanding issues
  - 55 Ginger Plum Ln- septic permit revealed basement bedroom w/out permits and safety egress- return to compliance required
  - 60 Christopher Ln- Return to compliance- Zone II illegal bedroom over garage- onsite to discuss compliance strategies with builder
  - 75 Captain Bearer- RET- 2 bedrooms/ extensive alteration in basement in Zone II- interior walls removed/ egress approved windows installed- resolved
  - 71 Captain Bearer- RET- finished basement – potential bedroom in basement/ Zone II issues without permits. Return to compliance plan required.

## **VIII CORRESPONDENCE**

None discussed.

## **IX PERMITS (SEE ATTACHED LIST)**

Ms. Bayerl moved to approve the permits as per the list dated January 10, 2017. Mr. Boyle seconded the motion. 3-0-0 Unanimous.

## **XI OTHER**

None discussed.

## **XII ADJOURN- The meeting adjourned at 7:22 p.m.**

Ms. Bayerl moved to adjourn. Mr. Boyle seconded the motion. 3-0-0 Unanimous.

**Submittals of the meeting are part of the permanent record.**

**Respectfully Submitted,**

**Jennifer Clarke**

**Next meeting is Monday, February 13, 2017 at 6:30 p.m. in the small hearing room.**